

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON**

**UNITED STATES OF AMERICA**

**v.**

**CRIMINAL NO. 2:22-cr-00108**

**TIMOTHY EDWIN PAYNE, JR.**

**AMENDED<sup>1</sup> PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, the defendant, TIMOTHY EDWIN PAYNE, JR., appeared before this Court on January 17, 2023, with the assistance of counsel, and pled guilty to an Superseding Indictment, which charged him with a violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C)(possess with intent to distribute 100 grams or more of a mixture and substance containing a detectable amount of an analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide, also known as “fentanyl,” that is, N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperfidinyl] propenamide, also known as para-fluoro-fentanyl, a Schedule I controlled substance.

Whereas, the Superseding Indictment also included a forfeiture allegation against the defendant seeking forfeiture to the United States pursuant to 21 U.S.C. § 853, 28 U.S.C. § 2461(c) and Rule 32.2(a) of the Federal Rules of Criminal Procedure of the following:

1. The<sup>2</sup> sum of \$24,120.00 in United States currency, more or less, seized by law enforcement.

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<sup>1</sup> Modified to reflect forfeiture, not money judgment.

<sup>2</sup> Removed the words referencing a money judgment.

ACCORDINGLY, based on the foregoing, the Court hereby ORDERS that any and all interest of the defendant, TIMOTHY EDWIN PAYNE, JR., in the property listed above be and the same hereby is FORFEITED to the United States pursuant to 21 U.S.C. § 853(a).

Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Order; notice of its intent to dispose of the property in such manner as the Attorney General may direct; and notice that any person, other than the defendant, having or claiming a legal interest in the forfeiture including<sup>3</sup>, but not limited to, the sum of \$24,120.00 in United States currency, more or less must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice of any person known to have alleged an interest in property that is the subject of this Order of Forfeiture, as a substitute for published notice as to those persons so notified.

As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third-party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

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<sup>3</sup> Removed the words money judgment.

The Clerk is directed to send certified copies of this Order to counsel of record, and to Postal Inspector, Brandon S. Holstine, United States Postal Inspection Service, 1002 Lee Street, Room M-82, Charleston, West Virginia, 25301, and to the United States Marshals Service, ATTN: Asset Forfeiture/Jaime Cochran, 85 Marconi Blvd., Room 460, Columbus, Ohio 43215.

IT IS SO ORDERED this 19th day of September, 2023.

ENTER:

  
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THOMAS E. JOHNSTON, CHIEF JUDGE

ORDER PREPARED BY:

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